

**TITLE 8. EMERGENCY AND MILITARY AFFAIRS****Chapter**

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## Article

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**TITLE 8. EMERGENCY AND MILITARY AFFAIRS****CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS  
DIVISION OF EMERGENCY MANAGEMENT**

(Authority: A.R.S. § 26-301 et seq.)  
(A.R.S. §§ 34-441 et seq., 35-192 et seq.)

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*Article 3, consisting of Sections R8-2-301 through R8-2-330, adopted effective September 18, 1996 (Supp. 96-3).*

*Article 3, consisting of Sections R8-2-33 through R8-2-39, repealed effective September 18, 1996 (Supp. 96-3).*

*Article 3, consisting of Sections R8-2-33 through R8-2-39, adopted effective June 11, 1980.*

*Former Article 3, consisting of Sections R8-2-33 through R8-2-38, repealed effective June 11, 1980.*

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**ARTICLE 4. REPEALED**

*Article 4, consisting of Section R8-2-41, repealed effective November 16, 1988.*

*Article 4, consisting of Section R8-2-41, repealed as an emergency effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

*Article 4, consisting of Section R8-2-41, adopted effective April 2, 1985.*

*Former Article 4, consisting of Section R8-2-41, repealed effective April 2, 1985.*

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**ARTICLE 1. SEARCH OR RESCUE****R8-2-101. Definitions**

In this Article, for purposes of these rules, and unless the text requires otherwise:

1. "Claimant" means a department of the state or a political subdivision eligible to receive state reimbursement for search or rescue operations.
2. "Emergency Operations Center for Search or Rescue" means the State Emergency Operations Center provides coordination, communications, technical, administrative and support assistance. The center is located in the offices of the State Division of Emergency Services.
3. "Mission" means any action required to accomplish that portion of Title 26, Arizona Revised Statutes, relating to

the preparation for and conduct of search or rescue operations.

4. "Mission coordinator" means the sheriff, excluding federal reservations, where agreements are nonexistent.
5. "Mission identifier" means a number assigned by the State Division of Emergency Services to identify a search or rescue mission.
6. "On-scene coordinator" means the individual or team chief designated by the sheriff as the on-scene person in charge of a particular search or rescue mission.
7. "Political subdivision" means, within the context of this article, a county government.
8. "Recovery" means to relocate, under direction of competent authority, a deceased person from the site of his demise to an appropriate location.
9. "Reimbursement" means the payment of state funds in accordance with A.R.S. § 35-192.01(A) and (B).
10. "Rescue" means to render aid, under the direction of competent authority, to persons whose life or health is threatened by circumstances beyond their control and return them to a place of safety.
11. "Search" means to seek out and locate, by the use of air, surface, and/or subsurface equipment and qualified registered personnel, live persons known or thought to be, by competent authority, in a distress situation and unable to reach a place of safety by their own efforts.

#### Historical Note

Former Rule Part 3; Amended effective July 18, 1977 (Supp. 77-4). Amended paragraphs (1), (3) and (8) effective June 30, 1986 (Supp. 86-3). Editorial correction, paragraph (2) (Supp. 88-4). Former R8-2-01 amended and renumbered effective March 7, 1990 (Supp. 90-1).

#### R8-2-102. Support of search or rescue operations

- A. The Director of the Division of Emergency Services, in accordance with Title 26, A.R.S., is responsible for supporting search or rescue operations of the state, coordinating the use of state resources or the resources of one or more political subdivisions in support of any other political subdivision in the conduct of search or rescue operations and for providing the services of a state search or rescue coordinator.
- B. The Division of Emergency Services shall coordinate activities to include the following:
  1. Mission identifiers for search or rescue operations.
    - a. To obtain a mission identifier during business hours, contact the State Division of Emergency Services by telephone.
    - b. On weekends, holidays or other than normal business hours, contact the headquarters of the Department of Public Safety by telephone. The name and telephone number of the caller will be relayed to personnel of the Division of Emergency Services who will assist the caller.
  2. State government personnel and/or equipment, including the Arizona National Guard.
  3. United States military personnel and/or equipment.
  4. Resources not readily available locally.
  5. Resources to support responsible authorities on federal reservations.
  6. Specialized personnel and/or equipment from other states.
  7. A state government search or rescue coordinator to assist the on-scene coordinator.
  8. Reimbursement of eligible claims.
  9. Prescribing forms and/or procedures for acquiring mission identifiers, reporting search or rescue mission activi-

ties, claiming reimbursement of eligible expenses and similar administrative matters.

#### Historical Note

Former Rule Part 4A Attachment B; Former Rule Part 4 Attachment C; Former Rule Part 4 Attachment D; Amended effective June 30, 1986 (Supp. 86-3). Former R8-2-02 amended and renumbered effective March 7, 1990 (Supp. 90-1).

#### R8-2-103. Reimbursement to county governments

- A. Reimbursement to county governments from the Governor's Emergency Fund is authorized for eligible expenses incurred during the conduct of search or rescue operations. A search or rescue mission, in order to qualify for reimbursement must fall within the purview of A.R.S. § 35-192(C). Claims should be submitted within 21 calendar days after the close or suspension of the mission. Eligible and ineligible expenses are itemized below:
  1. Eligible:
    - a. Salaries or contracts for the services of specialized personnel, provided that prior approval has been obtained from the Director, Division of Emergency Services.
    - b. Overtime pay for eligible government employees.
    - c. Telephone or telegraph charges directly related to search or rescue missions.
    - d. Reimbursement of recovery expenses should the subject of an eligible search or rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency Services.
    - e. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search or rescue mission.
    - f. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. The prior approval of the Director, Division of Emergency Services is required.
    - g. Actual costs of fuel or lubricants paid by a county government for the operation of vehicles, equipment, or aircraft.
    - h. Repairs to surface/subsurface vehicles and equipment damaged during search or rescue missions. Costs are limited to the restoration of the immediate premission condition.
  2. Ineligible:
    - a. Regular salaries or wages of government employees,
    - b. Salaries or wages of elected or appointed officials and employees ineligible for overtime pay,
    - c. Office supplies and equipment,
    - d. Rental of administrative office space,
    - e. Purchase of equipment or facilities,
    - f. Cost of items of personal wearing apparel.
- B. The eligibility of other expenses shall be determined by the Director, Division of Emergency Services, within the scope of this guidance, on a case-by-case basis.

#### Historical Note

Former Rule Part 5; Amended subsections (B) and (C) effective June 30, 1986 (Supp. 86-3). Former R8-2-03 amended and renumbered effective March 7, 1990 (Supp. 90-1).

**R8-2-104. Reimbursement to a department or agency of the state**

**A.** Expenses incurred, resulting from participation in search or rescue missions, shall be borne initially by the state department or agency. Reimbursement shall be governed by A.R.S. § 35-192.01(B). Claims should be submitted within 21 calendar days after the close or suspension of a mission. Eligible and ineligible expenses are itemized below:

1. Eligible:
  - a. Salaries or wages of extra employees directly engaged in search or rescue work.
  - b. Salaries or wages of regular employees who are diverted from their normal duties to engage in search or rescue work.
  - c. Overtime pay for eligible regular employees.
  - d. Communications charges directly related to search or rescue operations.
  - e. Travel directly related to search or rescue operations.
  - f. Reimbursement of recovery expenses should the subject of an eligible search or rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency Services.
  - g. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search or rescue mission.
  - h. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. The prior approval of the Director, Division of emergency Services is required.
  - i. Actual cost of fuel or lubricants paid by a state department or agency for the operation of vehicles, equipment or aircraft.
  - j. Repairs to surface/subsurface vehicles and equipment damaged during search or rescue mission. Costs are limited to the restoration of the immediate premission condition.
2. Ineligible:
  - a. Salaries or wages of elected or appointed officials and employees ineligible for overtime pay,
  - b. Office supplies and equipment,
  - c. Rental of administrative office space,
  - d. Costs of items of personal apparel.

**B.** The eligibility of other expenses shall be determined by the director, Division of Emergency Services, within the scope of this guidance, on a case-by-case basis.

**Historical Note**

Former Rule Part 6; Amended subsections (B) and (C) effective June 30, 1986 (Supp. 86-3). Former R8-2-04 amended and renumbered effective March 7, 1990 (Supp. 90-1).

**R8-2-105. Claimant procedures and supporting documentation**

**A.** Claims for reimbursement require certification by competent authority. Certification must include:

1. The name of the agency.
2. The date of the claim and the search or rescue mission identifier.
3. The name of each payee and the date the claimant paid each.

4. The item or service for which each payee received payment.
5. The amount paid each payee.
6. A statement that the documents supporting the claim are available in the claimant agency for review by the State Auditor General and/or the auditor from the Division of emergency Services.
7. The signature of the individual authorized to file claims for the claimant agency.

**B.** The amounts claimed for reimbursement from the Governor's Emergency Fund must be based on eligible expenditures for a search or rescue mission to which a mission identifier has been assigned.

**C.** Appropriate documents, as prescribed by the Director, Division of Emergency Services, supporting each claim must be retained by the claimant pending audit by the State Auditor General and/or the Division of Emergency Services' Auditor.

**Historical Note**

Former Rule Part 7 Attachment F; Amended effective July 18, 1977 (Supp. 77-4). Amended effective June 30, 1986 (Supp. 86-3). Former R8-2-05 amended and renumbered effective March 7, 1990 (Supp. 90-1).

**R8-2-106. Repealed****Historical Note**

Former Rule Part 8; Amended subsection (A) effective June 30, 1986 (Supp. 86-3). Repealed effective March 7, 1990 (Supp. 90-1).

**R8-2-107. Repealed****Historical Note**

Former Rule Part 2. Repealed effective March 7, 1990 (Supp. 90-1).

**ARTICLE 2. FALLOUT SHELTER****R8-2-18. Authority**

EXECUTIVE ORDER  
69-4

RELATING TO ESTABLISHMENT OF STANDARDS  
FOR PROTECTION AGAINST FALLOUT HAZARDS  
IN PUBLIC BUILDINGS

WHEREAS, under the provisions of Title 34, Chapter 4, Article 2 Arizona Revised Statutes, the Governor is responsible for establishing minimum standards for protection against fallout gamma radiation hazards in buildings constructed by the use of public funds, and for prescribing rules and regulations governing exemption or waiver from the requirements of this law; and

WHEREAS, under the provisions of this law, the Governor may delegate any of the authority, powers or duties granted therein;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of Arizona, it is ordered as follows:

**Part I.** The Director of the Arizona State Department of Civil Defense and Emergency Planning is hereby delegated the authority and the responsibility for the following:

- a. Establishing minimum standards consistent with those established by the Federal Government for the protection against fallout gamma radiation hazards in public buildings.
- b. Prescribing rules and regulations governing exemption or waiver from the requirements of the law.
- c. Revising standards and rules and regulations from time to time, as required.
- d. Filing such standards, rules and regulations, and revisions with the Secretary of State.

- e. Administering the law and administering and interpreting these minimum standards, and rules and regulations.

Part II. The agencies specified in A.R.S. § 34-410, shall be responsible for making application for exemption of waiver whenever appropriate or necessary, in accordance with the rules and regulations governing exemption or waiver as may be hereafter prescribed.

Part III. The Arizona Department of Civil Defense and Emergency Planning shall provide other State agencies and political subdivisions of the State with technical and procedural guidance and assistance in carrying out the provisions of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

(SEAL) DONE at the Capitol in Phoenix this 14th day of July in the year of Our Lord One Thousand Nine-Hundred and Sixty Nine and of the Independence of the United States the One Hundred and Ninety-fourth.

ATTEST: s/ JACK WILLIAMS  
GOVERNOR

s/ WESLEY BOLIN  
Secretary of State

#### **R8-2-19. General provisions**

- A. Pursuant to Chapter 4, Title 34, Article 2, Arizona Revised Statutes, and the authority delegated by Executive Order No. 69-4 dated July 14, 1969, the Arizona State Department of Civil Defense and Emergency Planning (redesignated The Division of Emergency Services) prepared this Article establishing the minimum standards for protection in public buildings against fallout gamma radiation hazards, and the rules and regulations governing exemption or waiver from requirements.
- B. If any term, part, provision, Section, subdivision or paragraph of these regulations shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, Sections, subdivisions and paragraphs thereof.

#### **R8-2-20. Definitions and abbreviations**

For purposes of this Article, and unless the text requires otherwise:

1. "Accessory structures" means a structure having a use incidental to that of the main building, attached to it or located on the same premises.
2. "Addition" means extension or increase in area or height of a public building or structure.
3. "Additional cost" means the cost of all protective construction features designed specifically for the purpose of increasing a building's capability for shielding its occupants against the effects of fallout gamma radiation.
4. "Agency, responsible" means the appropriate agency as specified in A.R.S. § 34-410, responsible for the enforcement of these regulations.
5. "Alteration" means any change, rearrangement or addition to a public building or structure.
6. "Analyst (shelter)" means an architect or engineer who is certified by the Defense Civil Preparedness Agency (formerly Office of Civil Defense) as having successfully completed the course in Fallout Shelter Analysis.
7. "Approved" means approved by the Responsible Agency under the provisions of the law.
8. "Architect" means an individual or firm registered by the Arizona State Board of Technical Registration and engaged to prepare construction drawings and specifications

for a proposed project, including his consultants such as structural, engineering and shelter analyst.

9. "Building" means an individual building, structure or facility, or complex of facilities, including accessory structures, whether or not connected.
10. "Building cost" means the total cost of the structural project, exclusive of land, architectural fees, equipment and off-site improvements. In cases involving more than one structure (a complex), it will be understood to mean the total cost of all the buildings within the complex.
11. "Core or core area" means the interior portion of a building that may represent specific shelter areas.
12. "Dual purpose fallout shelter" means a building, accessory structure, addition or alteration having a primary use in addition to fallout shelter use.
13. "Emergency Operating Center (EOC)"
  - a. "Primary EOC" means a facility with fallout protection and the necessary communications from which essentially all emergency functions are directed and controlled by the principal heads of government.
  - b. "Support EOC" means a facility with fallout protection and the necessary staff and communications to provide direction and control for one or more emergency functions; for example, police, fire, or public works engineering.
14. "Essential services" means police, fire, public works, communications, health, welfare and other departments required to perform emergency functions in times of disaster.
15. "Facility". See Building.
16. "Fallout" means radioactive debris of a nuclear explosion that falls to earth in particles.
17. "Fallout shelter" means a building, structure or other real property or an area or portion thereof, so constructed, altered or improved as to provide protection against radiation resulting from radioactive fallout, and having the minimum protection factor specified by these regulations.
18. "Fallout shelter analyst". See Analyst.
19. "Fallout shelter criteria" means the standards of protection against fallout gamma radiation hazards established herein.
20. "Law" means Title 34, Chapter 4, Article 2, Arizona Revised Statutes.
21. "Multi-use space" means a space within a building planned for a primary use, but because of protective features inherent in its design, qualifies for the alternate use as a fallout shelter area.
22. "National Fallout Shelter Survey (NFSS)" means a federal program to analyze large buildings and sub-surface enclosures to identify potential public fallout shelter.
23. "Net Available Area (NVA)" means the floor area of a fallout shelter within the walls of the fallout shelter and available for fallout shelter purposes such as sleeping, eating, food preparation, toilets, storage of food, water, bunks, and other supplies and materials. The net available area does not include the following:
  - a. The floor area occupied by materials or equipment not related to shelter requirements and which cannot be removed in the event of an emergency;
  - b. A service area to a fallout shelter;
  - c. The area required for radiation shielding, baffling, and mechanical and electrical equipment.
24. "Passageway" means space used for access, serving as a means of travel to or from fallout shelters.
25. "Potable water" means water suitable for drinking purposes.

26. "Protected space" means an area of a building or other enclosure which meets the fallout shelter criteria.
27. "Protection Factor (PF)" means a number used to express the relationship between the amount of fallout gamma radiation that would be received by an unprotected person and the amount that would be received by a person in a shelter. An occupant of a shelter with a PF of 40 would be exposed to a radiation dose rate 1/40th (2.5%) of the rate to which he would be exposed if his location were unprotected.
28. "Protection factor categories" means those which the National Fallout Shelter Survey places each shelter space with the following minimum and maximum PF limits:
 

CATEGORY	PF	CATEGORY	PF
0	10-19	5	150-249
1	20-39	6	250-499
2	40-69	7	500-1000
3	70-99	8	Over 1000
4	100-149		
29. "Public building" means any structure built by the state or any county, city, town or school district of the state with the use of public funds.
30. "Public fallout shelter" means a shelter facility which contains fallout shelter meeting the fallout shelter criteria, for 50 or more persons, for public use in an emergency.
31. "Public funds" means monies available to the state or any county, city, town or school district of the state derived from any source.
32. "Regulations" means the standards and procedures established in this document.
33. "Service area" means an area containing equipment serving a fallout shelter but not included in the net available area.
34. "Shall" is mandatory as used in these regulations.
35. "Shelter analyst". See Analyst.
36. "Shelter area" means the portion(s) of a facility which contains shelter meeting the fallout shelter criteria. A shelter area must contain space for at least ten persons.
37. "Shelter space" means the area required of each occupant of a shelter. See R8-2-21(F) and R8-2-21(G).
38. "Shielding" means material or distance necessary to attenuate radiation, resulting in protection to personnel.
39. "Slanting" means the architectural design technique to incorporate additional shielding without adverse effect on the appearance, function or cost.
40. "Standards" means the minimum standards established herein for protection against fallout gamma radiation hazards in public buildings.
41. "State" means the state of Arizona.

42. "State Department of Civil Defense or the Arizona State Department of Civil Defense and Emergency Planning" means the Arizona State Division of Emergency Services.
43. "Waiver" means exemption from the requirements of the law and the standards established herein.

**Historical Note**

Former Rule Part 3; Amended effective July 20, 1977 (Supp. 77-4).

**R8-2-21. Minimum standards for shelter design**

- A. General. The law requires that fallout shelters shall be provided for at least the anticipated normal occupant load of the proposed facility unless the facility is intended to be used for an EOC or essential services support functions during emergency conditions. However, building design should provide the maximum number of fallout shelter spaces possible commensurate with the size, function and cost of the structure. The standards established in this rule are basic to the development of shelters in public buildings, and are in consonance with recognized architectural and engineering techniques and practices.
- B. Responsibility of agencies
  1. Enforcement of the law is required by public officials specified in A.R.S. § 34-410. Practical compliance with the law is dependent primarily on architectural design. Therefore, responsible agencies should include specific terms in their contracts with their architects that will assure the following:
    - a. Consideration of shelter requirements from the beginning of the conceptual design phase.
    - b. The use of these standards in the design of buildings affected by the provisions of the law.
    - c. That all fallout shelters in buildings governed by these regulations be analyzed by a certified fallout shelter analyst after the preliminary design has been completed, with all pertinent parameters for protection established.
    - d. That similar analysis be made after the final design has been completed if the final design differs materially from the preliminary design in its shelter capability.
  2. Unless a waiver from the requirements of the law has been granted for a specific building project as provided for in R8-2-22 of these regulations, the responsible agency shall certify to the State Division of Emergency Services that the design of the building complies with the law and these standards. Such certification shall be provided prior to inviting bids for the construction of the

"The architectural design of \_\_\_\_\_  
 (Name of building project)  
 which the \_\_\_\_\_  
 (Name of responsible agency)  
 intends to \_\_\_\_\_  
 (Construct, enlarge or revise)  
 to be located at \_\_\_\_\_  
 (Address of building or description of location)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 in \_\_\_\_\_  
 (City and/or county)  
 meets the current requirements established by the Arizona State Fallout Shelter Law and implementing Regulations".

3. The certification described above shall be accompanied by a certification of fallout shelter analysis of the proposed building project. The shelter analysis certification shall be provided on a separate drawing or drawings and shall contain, but not be limited to the following information:
    - a. A drawing of each floor of the building which contains shelter space. Each designated shelter area shall be clearly defined. The drawing(s) shall show individual rooms but need be only a single line type at small scale (i.e. 30 or 50 feet to the inch as appropriate).
    - b. The following tabulation:
 

SHELTER AREA NO.	PF	CAPACITY
    - c. The shelter analyst's certification which shall include his name (printed), certificate serial number, signature and the date signed.
- C. Analysis procedures**
1. Approved methods of analysis as described in Defense Civil Preparedness Agency Volumes of TR-20 will be used.
  2. If computer analysis is desired, input forms may be obtained from the State Division of Emergency Services. The forms will be computer processed by the State Division of Emergency Services without charge. Any number of submittals or resubmittals may be made.
  3. Guidance, instructions, and advisory service for design and analysis assistance is available from the State Division of Emergency Services upon request.
- D. Protection**
1. All public fallout shelter areas shall have a minimum protection factor of 40.
  2. All shelter areas intended for emergency operating centers or sub-emergency operating centers shall have a minimum protection factor of 100.
- E. Shelter space shall be provided for at least the anticipated normal occupant load of each building or facility but in no case less than a combination totaling 50 spaces. This will be interpreted to mean:**
1. Shelter areas that are not large enough to accommodate 50 persons will be used as shelter provided they are connected by shielded passageways.
  2. The shelter capacity of the structure will be determined by totaling the various shelter area capacities.
  3. The minimum size shelter area within a building meeting the above criteria will have a capacity of not less than 10 persons.
- F. Space requirements**
1. The minimum net available areas to be provided for each shelter occupant shall be in accordance with the following standards:
    - a. Hospital patients -- 35 square feet per patient.
    - b. Hospital patient care personnel -- 15 square feet per staff member (based on one staff member for 10 patients).
    - c. Emergency Operating Center personnel -- 50 square feet per person.
    - d. All other shelter spaces -- 10 square feet per person.
  2. A minimum of 6.5 feet head room shall be provided for all shelter areas.
- G. Ventilation**
1. General
    - a. Space requirements can be considered acceptable only if adequate ventilation exists in the shelter area. The shelter shall have a ventilation rate sufficient to maintain a daily average effective temperature (ET) of not more than 82°F (28°C) for at least 90 percent of the days of the year. ET is an empirical index which combines in a single number the effect of temperature, humidity, and air movement on the sensation of warmth or cold felt by the human body (definition is by the American Society of Heating, Refrigeration and Air Conditioning Engineers). To prevent air vitiation the minimum rate of fresh air supply shall be a minimum of 3 cubic feet per minute per shelter occupant except that the maximum daily average effective temperature requirement of 82°ET for 90 percent of the days is an overriding requirement. The minimum recommended shelter temperature to be maintained during the occupancy period is 50°F (10°C).
    - b. The National Shelter Survey Program assumes that all commercial power will be off during the time of a major emergency. Therefore, all below ground or first floor windowless areas must be analyzed to determine the amount of natural ventilation available in a shelter area to sustain life. The natural ventilation analysis will be performed for all basement areas, irrespective of apertures.
    - c. This is not to imply that when a ventilation analysis is performed for a basement, the lesser number of spaces will result from the ventilation analysis as compared to spaces based on area, i.e., 10 sq. ft. per space. The basement might have sufficient windows, doors, etc., to provide enough air to support all the spaces the area will hold. If the natural ventilation indicates that there is enough air to support all the people that the area can house, based on 10 sq. ft. per person, the shelter capacity will be based on usable area. If the natural ventilation analysis indicates that the available air can support only a portion of the people who could otherwise be housed based on area, then the capacity will be as limited by the available air, since it will be the lesser value.
    - d. If the building has auxiliary power and sufficient fuel in storage to operate the power equipment for seven days, the shelter capacity can be based on area, i.e., 10 sq. ft. per space. It is essential that the power be sufficient to operate the ventilation equipment in the below ground or above ground windowless area. The use of air conditioning to maintain the ET within accepted tolerances may be considered only if adequate auxiliary power is available for sustained operation.
    - e. An analysis procedure has been developed for providing a uniform method of estimating ventilation.
  2. Ventilation concepts
    - a. Warmed air rises -- is forced upward by cooler air.
    - b. There must be an upward escape route -- above the point where the air is heated.
    - c. Shelter occupants are the heat source, and air flows to them.
  3. Parameters
    - a. Zonal cubic feet per minute (C.F.M.) requirements. Zonal requirements in C.F.M. of ambient air have been established for every area in the United States. These fresh air zonal requirements are adequate to

control the effective temperature in shelters for the acceptable percentage of time.

County	CFM	County	CFM
Apache	10	Mohave	15
Cochise	15	Navajo	10
Coconino	10	Pima	15
Gila	15	Pinal	15
Graham	15	Santa Cruz	15
Greenlee	10	Yavapai	15
Maricopa	20	Yuma	20

Interpreted, the above listings for the state of Arizona indicates that in Apache County, there must be at least 10 C.F.M. of fresh air per person, if an effective temperature is to be maintained in the shelter for the acceptable percentage of time.

- b. Area. The net clear openings that function together as inlets and outlets. Inlet and outlet areas must be equal and the sum of the two is used in ventilation analysis. These are limited to the area remaining after deducting any unusable or ineffective portions, e.g., as in windows, the gross area minus all area obstructed by the frame and sash, or the open area if only all glass is removed.
  - c. "D" distance. The average distance along the path air must travel from an aperture to the midpoint of a shelter area, and back to the aperture.
  - d. Height difference ( $\Delta H$ ). The difference in the heights of the highest effective head and the lowest effective sill heights in an analysis or computation of a single path. The head is measured where the air reaches outside of the structure, and is the top or highest point in an opening, e.g., the top of a window or door opening. Sill heights are the bottom or lowest point in an opening, e.g., the bottom of a window or door opening.
4. Basic air flow patterns
    - a. Single opening. When a shelter area is served by only a single opening, or more than one identical opening, each opening functions as both inlet and outlet. See Example 1. While the inlet portion may be below the shelter floor, the outlet area must be entirely above the shelter floor. As the inlet and outlet are equal, the maximum effective area (inlet plus outlet) cannot be more than twice the area above the shelter floor.
    - b. Two or more openings. When two dissimilar openings with equal effective areas (Example 2) serve a shelter area, the one with the highest head height is considered the outlet and the one with the lowest sill height is considered the inlet. When two or more openings with unequal effective areas serve a shelter area (Example 3 and Example 4), the lower opening functions as inlet with the highest as outlet. If  $\Delta H$  is less than 10 feet, one half of the total net openings function as inlets and the other half as outlets. If  $\Delta H$  is 10 feet or greater, those areas with  $\Delta H$  of 10 feet or more must be analyzed separately from those with  $\Delta H$  of less than 10 feet. In such as Example 3, where the smaller of two openings is the higher, one computation is made with the area of the window considered to function with an equal area in the lowest portion of the doorway, and in this particular example,  $\Delta H$  is 11 feet. The remaining portion of the doorway is analyzed separately with a  $\Delta H$  of less than 10 feet. Note that no correction is made for values of  $\Delta H$  which are less than 10 feet, and in such cases, the specific value of  $\Delta H$  is unimportant. Example 4 is similar to Example 3, except that it shows the lower opening to be the smaller.
  5. Parameter limitations
    - a. Example 5. The effective height of inlets is determined by the openings at the outside of the structure when the opening is above the shelter floor. The shelter floor is the effective height of any inlet below the shelter floor.
    - b. Examples 6A and 6B. When an area is served by an outlet above the shelter story, the outlet height is limited by the closest opening(s) having area at least equal to the lesser of (1) the limiting effective area in the inlet or (2) the limiting effective area in the outlet. Example 6A shows window B in the stairway with a net area equal to or greater than the door area which serves as an inlet. Example 6B shows a situation where window B in the stairway is not as large as the inlet doorway. In this case the window B in the story above the shelter also functions with the inlet doorway in the shelter, as it is the next closest available outlet. Due to the difference in  $\Delta H$ , two computations are required.
    - c. Example 7. Do not use a value of  $\Delta H$  established by 10% or less of the openings, either inlet or outlets, as the value of  $\Delta H$  in a single computation. When such a condition exists, more than one computation is required to assure that representative values of  $\Delta H$  are used with corresponding areas.
    - d. Limitations on "D" distance. Distances may be averaged if
      - i. All distances in the computation are less than 50 feet, or
      - ii. The shortest distance is at least one half of the largest distance.
  6. Shelter ventilation estimator (slide rule)
    - a. A circular slide rule has been developed to facilitate computation of the maximum number of ventilated shelter spaces. When the shelter area is subdivided into rooms, the ventilation analysis must be accomplished on a room-by-room basis, starting with a room closet to outside air and having exterior apertures. When more than enough air exists in one room, it can be used in adjacent rooms. Additional calculations would be necessary in order to determine how much of the extra air could pass through the limited area of the door.
    - b. The following step sequence demonstrates the use of the slide rule:
 

(NOTE: Cut out and assemble the printed circular slide rule which is at the rear of this unit).

      - i. Place pointer marked "area" at the number of net square feet of aperture considered to serve the room being analyzed.
      - ii. Read the maximum vent spaces on the outer ring adjacent to the applicable C.F.M. requirement.
      - iii. When the "D" distance exceeds 100 feet, place the "index" arrow at the number of vent spaces from ii. above, and read the adjusted number opposite the "D" distance. This will reduce the spaces previously computed, acknowledging that increased distance adversely affects ventilation.
      - iv. When " $\Delta H$ " exceed 10 feet, place the "index" arrow at the number of spaces computed in ii.



- or iii. above, and read the corrected value opposite the " $\Delta H$ " value on the scale. The adjusted figure should be higher. The shelter ventilation estimator is based on average conditions of " $\Delta H$ " equal to 7 feet, and in reality the number of shelter spaces based on ventilation could be increased by adjusting for " $\Delta H$ " greater than 7 feet.
- c. The shielding analyst should determine the number of shelter spaces based on usable area in each room, before a ventilation analysis is completed. The limiting capacity of each room is the smaller of:

- i. Spaces based on usable area.
- ii. Spaces based on available ventilation.

**SHELTER VENTILATION ESTIMATOR****Instructions:**

1. Cut along the outer circle including the tab.
2. Center this section directly on the base portion (Figure 1-2), and insert a pin through both centers. Area where pin is inserted should be reinforced with tape.
3. The upper section should rotate freely above the base portion.

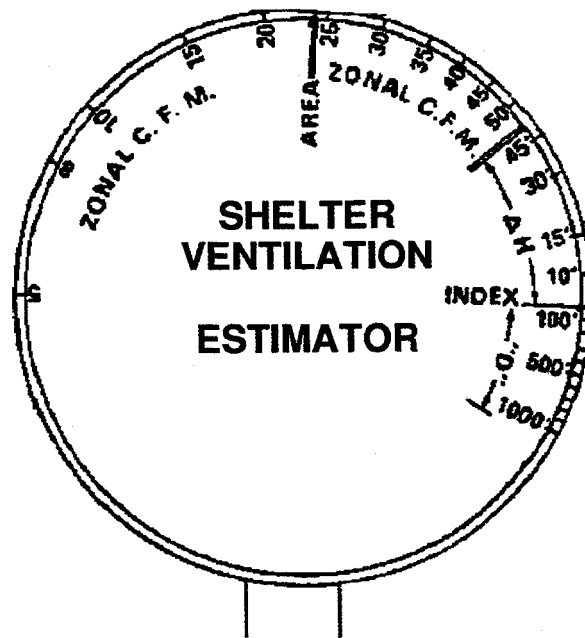


Figure 1

**SHELTER VENTILATION ESTIMATOR  
(BASE PORTION)**

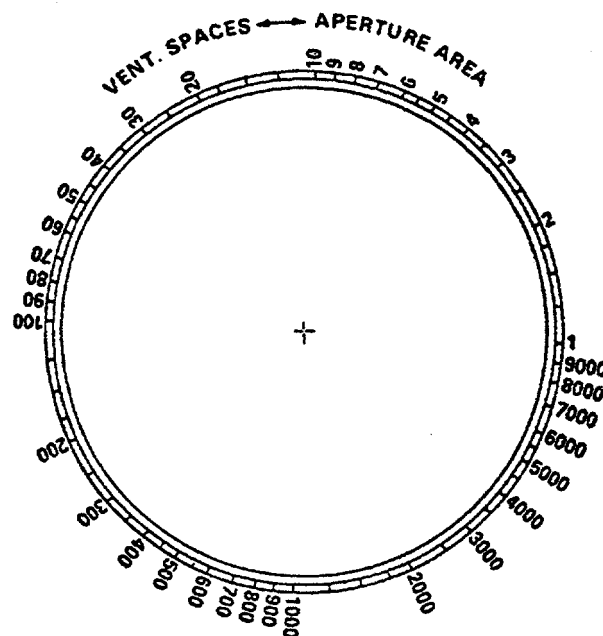
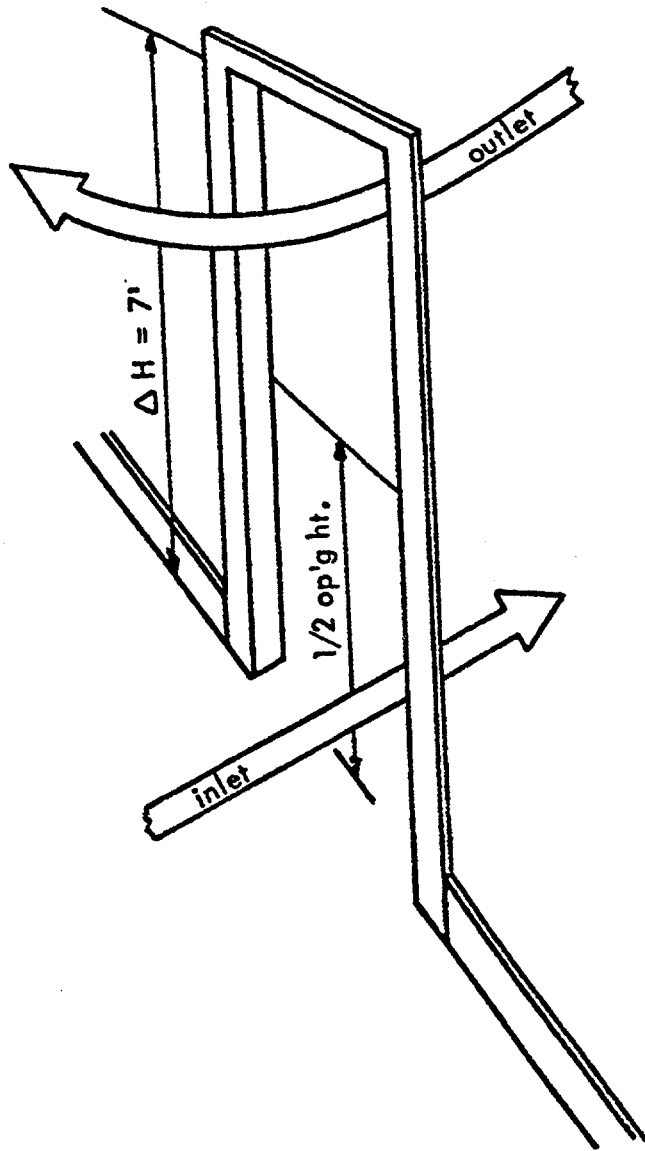
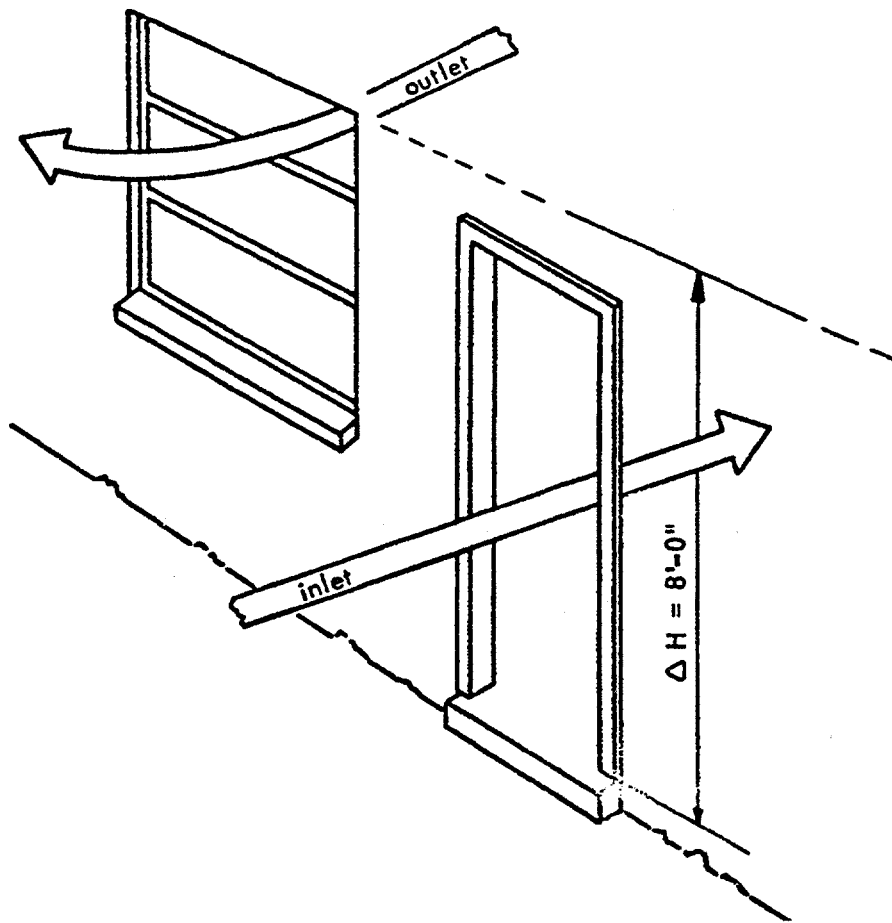


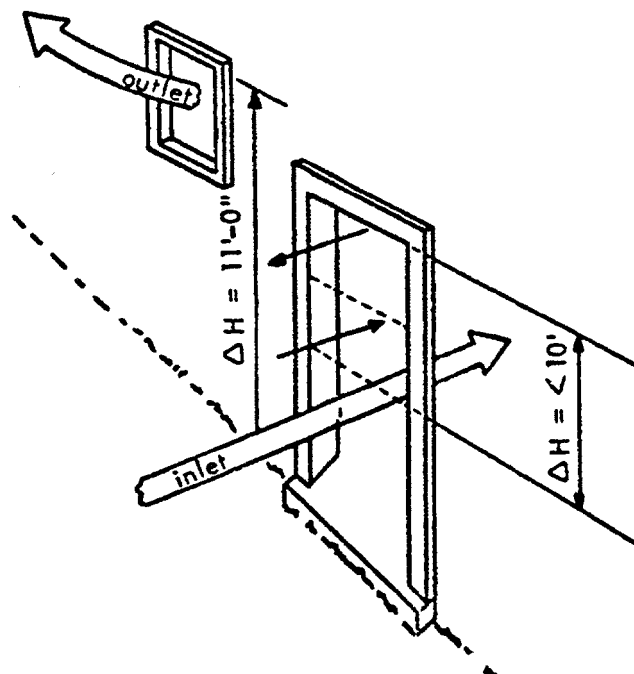
Figure 2



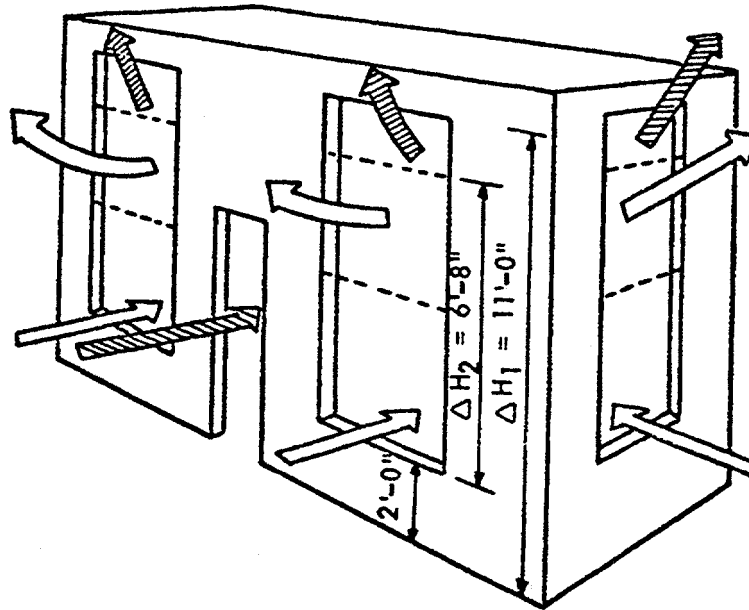
Example No. 1



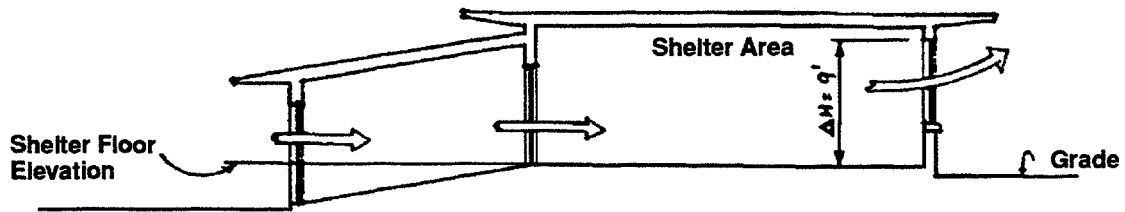
Example No. 2



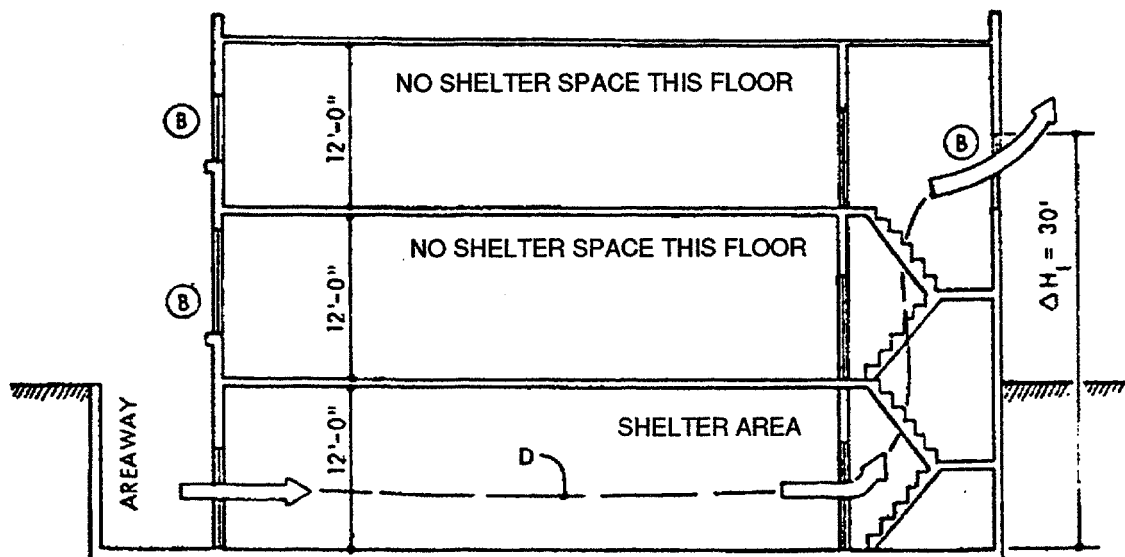
Example No. 3



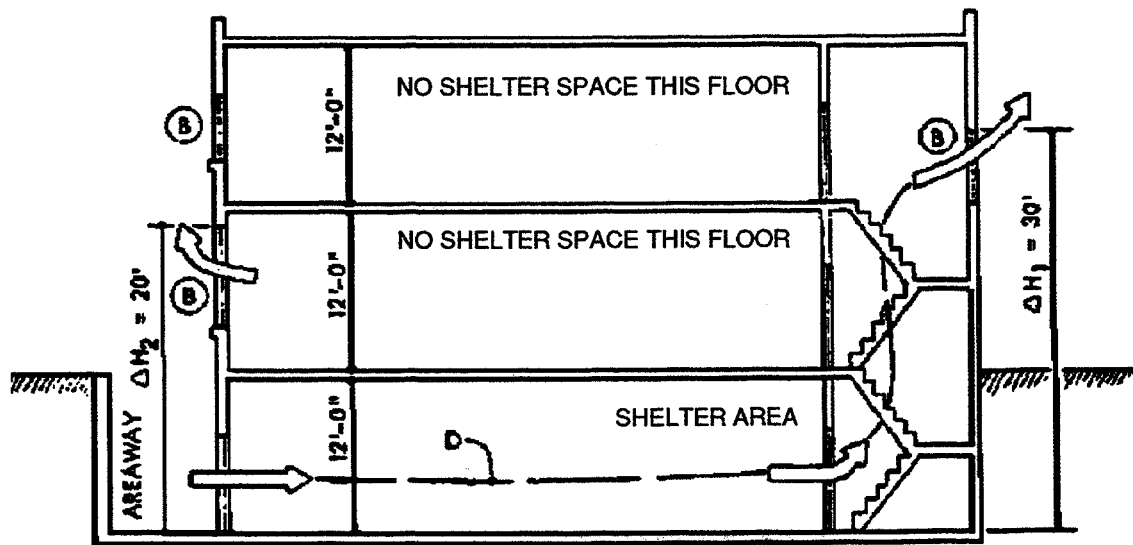
Example No. 4



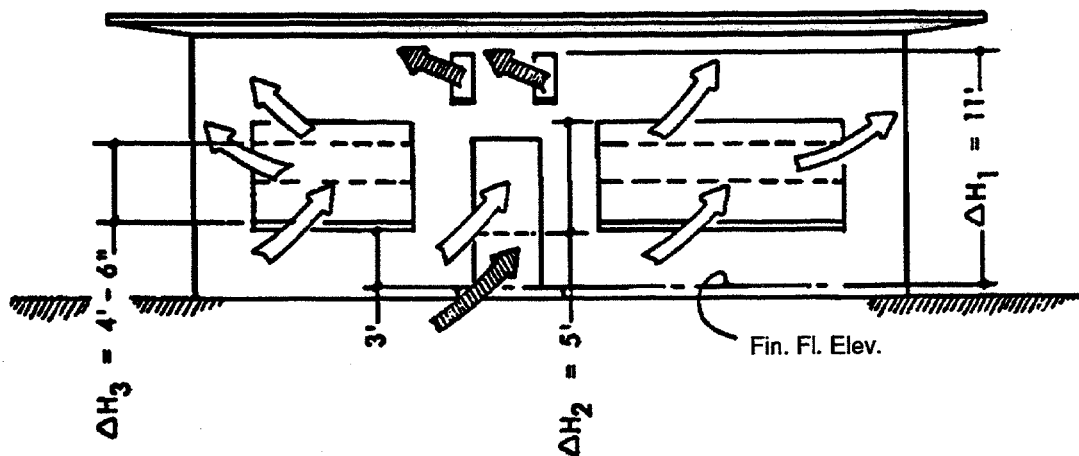
Example No. 5



Example No. 6A



Example No. 6B



Example No. 7

**H. Construction standards**

1. In general, conventional methods of design and construction for concrete, wood, steel, brick, structural tile and other products shall be followed. Allowable stresses and/or load factors as defined in the applicable codes shall be used.
2. The shelter features shall be designed for the useful life of the facility.
3. Provisions shall be made to assure the shelter interior will remain reasonably dry.
4. To the extent practicable, hazardous utility lines, such as steam, gas and electric power, shall not be located in or near the shelter area unless provision is made to control such hazards before the shelter is occupied.
5. All shelters shall be constructed to minimize the danger of fire from both external and internal sources.
6. Features solely for the purpose of blast protection need not be provided. Measures which increase the blast protection potential of the shelters are not covered by these regulations.

7. Dampers for the ventilation system shall be adjustable, where possible, to provide the maximum amount of fresh air directly to the shelter areas in time of emergency.

- I. Normal facilities may be utilized for sewage disposal, if provisions have been made to keep the systems operable under attack conditions on the basis of one per 50 occupants and should be available in the shelter or in a nearby area where they can be reached and used.

**Historical Note**

Former Rules Section 4.06-1, Section 4.06-2, Section 4.07 and Part 4; Amended effective July 20, 1977 (Supp. 77-4).

**R8-2-22. Exemption or waiver****A. Responsibility**

1. The specific purpose of the law is to develop fallout shelter protection for the people of Arizona. Those charged with its enforcement (specified in A.R.S. § 34-410) shall consider every feasible means for satisfying this requirement. Many exemptions, if granted, will deprive certain

citizens of protection. It is not the intent of the legislature nor the purpose of the law for public officials to contrive means by which exemptions can be justified; rather, it is the intent that gamma radiation shielding be provided in public buildings. Therefore, those charged with enforcement of this law shall require that fallout protection become one of the elements for consideration by their selected architects in the conceptual phase of planning.

2. Those state officials charged with considering exemptions shall be guided by the same basic concept set forth above; that public protection is the objective.
3. The agencies responsible for the enforcement of the provisions of the law shall also be responsible for making application for waiver whenever necessary.

**B. General procedure**

1. If it becomes necessary to exclude a public building from those new buildings which will have fallout protection, an application for waiver from the required provision shall be submitted at the earliest possible time after impelling reasons become apparent.
2. Applications for waiver shall be in writing:
  - a. On official stationery of the responsible agency.
  - b. Addressed to the Director, Arizona State Division of Emergency Services.
  - c. Signed by the head of the responsible agency.
3. All applications for waiver shall, in addition to the other required information, include the following concerning the proposed project:
  - a. Name and/or description.
  - b. Location.
  - c. Estimated construction cost.
  - d. Substantiating reasons for the request of waiver.

**C. Waiver from the requirements of these regulations is automatic and no application for waiver is required when the total cost of the proposed building, alteration or modification is less than one \$1000,000.**

**D. If it is determined that the total cost of the building, alteration or modification will be \$100,000 or more but less than \$450,000, a waiver from the requirements of the law will be granted upon receipt of a letter establishing this fact. In addition to the information required under R8-2-22(B) "General procedure", the request must include a certification of the maximum total construction cost of the proposed project.**

**E. Additional cost more than 3%**

1. A waiver from the requirements of providing shelter for at least the anticipated normal population of a building will be granted when it can be established that the inclusion of such protected space in the building will create an additional cost of more than 3% of the total building cost, exclusive of land, architectural fees, equipment, and off-site improvement. If shelter spaces are proposed for less than the normal anticipated population such facts should be included in the application for waiver.
2. In addition to the requirements established under R8-2-22(B) "General procedure", the request for waiver shall clearly state all the conditions peculiar to the proposed project, including substantial evidence that every effort has been made to incorporate fallout shelter features into the proposed building. A detailed description of the various considerations investigated must be furnished together with an analysis of the facility's fallout shelter capacity. Certification by a fallout shelter analyst will be required as well as a certified cost estimate from preliminary plans. Architectural drawings pertinent to shelter analysis, that have been completed at the time the request is made, shall also accompany the application.

**F. Shelter impracticable**

1. If shelter in a proposed facility is considered to be impracticable because of peculiar circumstances, a waiver from the requirements of the law may be granted. The application for waiver must clearly state the reasons for which the incorporation of a fallout shelter into the facility is considered impracticable.
2. Additional information might be required before waiver can be granted or denied.

**G. Before proceeding with the preparation of plans for a project, the responsible agency may contact the State Division of Emergency Services to ascertain whether the development of shelter is necessary in the geographical area of the proposed project. If shelter is determined to be unnecessary, the Director of the State Division of Emergency Services may issue a waiver upon receipt of a written application.**

**H. A waiver from the requirements of the law shall be granted when it can be established that inclusion of protected space in a building will impair the purpose or effectiveness of the building. The application for waiver shall state in detail the basis for conclusion that the purpose or effectiveness of the structure would be impaired.**

**Historical Note**

Former Rule Part 5; Amended effective July 20, 1977 (Supp. 77-4).

**ARTICLE 3. GOVERNOR'S EMERGENCY FUND**

**R8-2-33. Repealed**

**Historical Note**

Former Rules 1 and 2; Former Section R8-2-33 repealed, new Section R8-2-33 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

**R8-2-34. Repealed**

**Historical Note**

Former Rules 2a and 2b; Former Section R8-2-34 repealed, new Section R8-2-34 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

**R8-2-35. Repealed**

**Historical Note**

Former Rules 3, 4, 5 and 6; Former Section R8-2-35 repealed, new Section R8-2-35 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

**R8-2-36. Repealed**

**Historical Note**

Former Rule 7; Former Section R8-2-36 repealed, new Section R8-2-36 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

**R8-2-37. Repealed**

**Historical Note**

Former Section R8-2-37 repealed, new Section R8-2-37 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

**R8-2-38. Repealed**

**Historical Note**

Former Sections A1, A2, B1, B2, C1, C2, D, E Attachment; Former Section R8-2-38 repealed, new Section R8-

2-38 adopted effective June 11, 1980 (Supp. 80-3).  
Repealed effective September 18, 1996 (Supp. 96-3).

#### **R8-2-39. Repealed**

##### **Historical Note**

R8-2-39 and Attachments 1 and 2 adopted effective June 11, 1980 (Supp. 80-3). R8-2-39 and Attachments 1 and 2 repealed effective September 18, 1996 (Supp. 96-3).

#### **R8-2-301. Definitions**

In addition to the definitions provided in A.R.S. § 26-301, the following definitions apply to this Article, unless specified otherwise:

1. "Applicant" means any state agency or political subdivision of the state that requests emergency assistance from the state.
2. "Applicant's authorized representative" means the person authorized by the governing body of a political subdivision to request funds, time extensions, and attend to other recovery matters related to a specific emergency proclamation.
3. "Application" means a written or verbal request by an applicant to the Director for emergency assistance.
4. "Contingency proclamation" means the document in which the governor authorizes the Director to pay expenses incurred by political subdivisions or state agencies that respond to frequently occurring emergencies that pose a significant and constant threat such as search or rescue, and hazardous materials spills.
5. "County" means the county or counties where an emergency is located.
6. "Department" means the Department of Emergency and Military Affairs provided in A.R.S. § 26-101.
7. "Eligible work" means actions taken and work performed by an applicant in response to an emergency that are consistent with the intent and purposes set forth in A.R.S. § 35-192 and these rules.
8. "Emergency" means any occasion or instance for which, in the determination of the Governor, state assistance is needed to supplement state agencies' and political subdivisions' efforts and capabilities to save lives, protect property and public health and safety, or to lessen or avert the threat of a disaster in Arizona.
9. "Emergency resolution" means a document by which the governing body of a political subdivision declares an emergency.
10. "Fund" means the portion of the general fund used to pay incurred liabilities and expenses authorized as claims against the state to meet contingencies and emergencies when the Governor declares that a state of emergency exists.
11. "Incident period" means the time interval of an emergency during which damage occurs.
12. "Political subdivision" means any county, incorporated city or town, or school, community college, or other tax-leaving public improvement district.
13. "Proclamation" means the document in which the Governor declares that a state of emergency exists pursuant to A.R.S. § 35-192(A) and authorizes an expenditure from the fund.
14. "State" means the state of Arizona.
15. "State agency" means any department, commission, board, agency, or division of the state, including the Department of Emergency and Military Affairs.

##### **Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

#### **R8-2-302. Applications for Emergency Assistance**

- A. An applicant shall act for the purpose of this Article through its chief executive officer or body, or the applicant's authorized representative.
- B. An applicant shall use forms that are in the "Disaster Assistance Guide", ADEM Publication 100, June 1996 (and no future amendments or editions), which is incorporated by reference and is on file with ADEM and the Office of the Secretary of State.

##### **Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

#### **R8-2-303. Contents of an Application**

- A. An applicant shall set forth in an application the cause, location, and beginning date of the emergency, a description of the damage caused by the emergency and potential health hazards arising from the emergency, the costs incurred for emergency response, and an estimate of the number of people affected by the emergency and costs for recovery.
- B. Before submitting an application to the Director, the applicant shall use its available resources to respond to the emergency and request assistance from other political subdivisions that might respond to the emergency.

##### **Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

#### **R8-2-304. Application by a Political Subdivision**

- A. A county shall issue an emergency resolution before submitting an application to the Director.
- B. A political subdivision other than a county shall submit an emergency resolution to the county and request that, if necessary, the county issue an emergency resolution and make application to the Director. If the county fails to issue an emergency resolution expeditiously, a political subdivision may apply directly to the Director for assistance.
- C. A political subdivision shall submit an application to the Director using the most expeditious means.
- D. The Director shall reject an application that is not received within 15 days from the start of the emergency unless the political subdivision shows good cause for the delay or that the emergency is of a type that the date the emergency started is difficult to establish.

##### **Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

#### **R8-2-305. Application by a State Agency**

- A. An applicant that is a state agency shall submit an application directly to the Director using the most expeditious means.
- B. The Director shall reject an application that is not received within 15 days from the start of the emergency unless the state agency shows good cause for the delay or that the emergency is of a type that the date the emergency started is difficult to establish.

##### **Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

#### **R8-2-306. Action on an Application**

- A. The Director shall make a recommendation to the Governor whether to issue a proclamation.
- B. The Director shall notify the applicant immediately by telephone or, if necessary, in writing, of the Governor's decision to issue or not to issue a proclamation. If the Governor issues a proclamation, the Division shall forward a copy to the applicant.

- C. The Governor shall prescribe in the Governor's proclamation the maximum amount for which the state will be liable for the emergency that is the subject of the proclamation.
- D. State payment of claims submitted by a political subdivision pursuant to a proclamation shall not exceed 75% of eligible costs or the amount prescribed in the proclamation, whichever is less.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-307. Proclamation File Number**

- A. The Division shall assign a file number to each emergency that is the subject of a proclamation.
- B. All correspondence regarding an emergency to which a file number is assigned shall reference the file number.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-308. Limitation of Fund Expenditure**

Expenditure from the fund, as a result of a particular proclamation, shall not exceed the amount authorized in the proclamation unless an additional amount is authorized by the council as prescribed in A.R.S. § 35-192.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-309. Time Limit for Filing Claims**

Before the ending date of the Governor's proclamation, the Director shall assess whether an extension of time is needed for an applicant to complete work and submit claims arising from an emergency. If the Director determines an extension of time is needed, the Director shall recommend that the Governor grant an extension.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-310. Retention of Records**

The applicant shall maintain for 5 years all records relating to claims submitted by the applicant in accordance with A.R.S. § 41-1346 and shall make the records available for inspection and audit by the Department auditor and the auditor general.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-311. Establishment of the Incident Period and Termination of the Proclamation**

- A. The Director shall recommend to the Governor, for inclusion in the Governor's proclamation, the beginning and ending dates of the incident period. If the Director determines that the incident period has a beginning or ending date different from that stated in the proclamation, the Director shall recommend to the Governor that the proclamation be amended to reflect the correct dates.
- B. At the Director's recommendation, the Governor shall terminate the proclamation when the following occur:
  - 1. The recovery work is complete,
  - 2. The Division completes a final inspection of all work for which the applicant submits a claim,
  - 3. The applicant submits a claim to the Director for all work which the applicant seeks reimbursement,
  - 4. The Division pays all authorized claims,
  - 5. The required audits are complete, and
  - 6. The applicant receives amount due or pays amount owed.
- C. After the audit and final payment of the applicant's claims, the Governor shall issue a termination proclamation.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-12-312. Duplication of Benefits**

- A. The state is not liable for any claim arising from an emergency for which the applicant receives funds from another source.
- B. The state is not liable for any claim arising from an emergency unless the applicant applies for and is denied funding from other available sources before submitting the claim to the state.
- C. If the Director or an applicant determines that the applicant received duplicate funds for a claim from the state and from another source, the applicant shall refund the amount received from the state.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-313. Allowable Claims Against the Fund**

- A. The Director shall allow expenditures from the fund for a claim arising from an emergency only if:
  - 1. The amount claimed is a direct result of response or recovery operations to the emergency,
  - 2. The applicant is legally responsible for providing response or recovery operations in the emergency, and
  - 3. The amount claimed is authorized under the provisions of subsection (B) or (D).
- B. The Director shall allow the following costs to be paid as claims against the fund:
  - 1. Salaries or wages and benefits of the applicant's budgeted personnel directly engaged in eligible work;
  - 2. Salaries or wages and benefits of nonbudgeted employees directly engaged in eligible work;
  - 3. Communications;
  - 4. Travel;
  - 5. Materials and supplies consumed, except those listed under subsection (C)(2);
  - 6. Rental of privately owned equipment at documented contractual rates;
  - 7. Contributions toward the purchase of equipment if the necessary equipment is not available from federal, state, or local sources, and if the contribution does not exceed the cost of renting the item at prevailing local rates;
  - 8. Owning and operating the applicant's equipment using rates approved by the Director;
  - 9. Work performed by private contractors;
  - 10. Work performed under an agreement between local governments or between a local government and a state agency, that is completely documented by the local government or state agency performing the work; and
  - 11. Prison labor including amounts paid to prisoners in accordance with established rates and costs of transporting prisoners.
- C. The Director shall not allow the following costs to be paid as claims against the fund:
  - 1. Salaries or wages and benefits of elected or appointed officials responsible for directing governmental activities;
  - 2. Office supplies and equipment;
  - 3. Rental of administrative office space;
  - 4. Depreciation, insurance, storage, and similar fixed overhead costs;
  - 5. Repairs and fuel for privately owned rented equipment, except where the rental agreement provides that the applicant will be responsible for repairs and fuel in addition to the rental fee;



6. Work performed under agreement between a state agency or local government and a federal agency where the work is paid for by federal funds;
  7. Costs incurred under contracts based on cost plus a percentage of costs, unless the Director determines that the performance of immediate emergency work would be unduly delayed and would likely result in an imminent hazard to health or safety, in which case the Director may authorize an exception; and
  8. Prison labor costs for food, lodging, and guards.
- D.** To submit a claim for a cost that cannot be classified under subsection (B), an applicant shall make a written request to the Director for an exception. The Director shall grant a request for an exception if the request explains the nature of the exception and justifies why it is needed. The Director shall immediately inform the applicant in writing of the decision to grant or deny the request for an exception.
- E.** When a facility damaged as a result of an emergency is repaired or replaced, the Director shall allow only the costs required to return the facility to the condition it was before the emergency, incorporating current standards and design requirements.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-314. Mitigation of Future Damages by the Applicant**

The applicant shall comply with any mitigation requirements specified by the Director for repair or replacement projects subject to repeated damage from flooding or other threats to life or property.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-315. Advance of Funds**

All requests for an advance of funds shall be signed by the applicant's authorized representative and forwarded to the Director. The Director shall assess a request for an advance to determine whether the request is reasonable and for eligible work that has been completed. The Director shall grant a request for an advance for work not completed only if an applicant has demonstrated that the work cannot be completed without an advance. The amount of an advance will be based upon eligible expenditures to date and the estimated eligible expenditures for the next 60-day period.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-316. Final Inspection and Audit**

Upon completion of all work by an applicant, the Division shall inspect all the work that the applicant claims. The applicant shall provide the Division with access to all claimed work and shall permit review of all records relating to the work. After completion of the final inspection, the Department's chief auditor shall conduct an audit of the applicant's claims. The Director shall use this audit to determine the allowability of claimed costs and final payment due to the applicant or overpayment due to the Division.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-317. Procurement Requirements**

The Director shall not allow a claim arising from a procurement unless the applicant complies with the Arizona procurement laws set forth in A.R.S. § 41-2501, et seq., and A.A.C. R2-7-101 et seq.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-318. Inspection and Audit of Contract Provisions**

If a contract or subcontract for the furnishing of goods, equipment, labor, materials, or services to the applicant may result in a claim, the applicant shall include in the contract or subcontract a provision that all books, accounts, reports, and other records relating to the contract or subcontract shall be subject to inspection and audit by the state for 5 years after completion of the contract or subcontract.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-319. Refund from an Applicant**

- A.** If the Director determines that an applicant is required to refund an amount, the Director shall provide the applicant written notice of the amount owed. The applicant shall reimburse the Division within 2 months of the date of notification.
- B.** An applicant may request a review, as set forth in R8-2-320, of a determination under subsection (A) that an amount must be refunded. If the review results in a decision that the applicant is required to reimburse the Division, the applicant shall refund the amount required within 2 months of the decision.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-320. Appeal of the Director's Decision**

- A.** Any party aggrieved by a decision rendered by the Director may appeal the decision, in writing, not later than 15 days after receipt of notice of the Director's decision.
- B.** When an appeal is filed, the Director shall contact the Office of Administrative Hearings to schedule the case with the office in accordance with A.R.S. § 41-1092.02.

**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3).

**R8-2-321. Scope**

The provisions of this Article apply to contingencies arising from hazardous materials incidents.

**R8-2-322. Reserved****R8-2-323. Reserved****R8-2-324. Reserved****R8-2-325. Reserved****R8-2-326. Reserved****R8-2-327. Reserved****R8-2-328. Reserved****R8-2-329. Reserved****R8-2-330. Reserved****ARTICLE 4. REPEALED****R8-2-41. Repealed****Historical Note**

Adopted as an emergency effective March 24, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-2). Former Section R8-2-41 adopted as an emergency now adopted as a permanent rule effective June 24, 1982 (Supp. 82-3). Adopted as an emergency effective October 12, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Former Section R8-2-41 repealed, new Section R8-2-41 adopted effective April 2, 1985 (Supp. 85-2). Section R8-2-41 repealed as an emergency effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (see R4-34-

1101, Arizona State Fire Code, adopted as an emergency pursuant to A.R.S. § 41-1026, valid for only 90 days) (Supp. 88-1). Emergency expired. Section R8-2-41 repealed effective November 16, 1988 (see R4-34-1101, Arizona State Fire Code) (Supp. 88-4).

#### **ARTICLE 5. EMERGENCY EXPIRED**

##### **R8-2-51. Emergency expired**

###### **Historical Note**

Adopted as an emergency effective July 17, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired.

##### **R8-2-52. Emergency expired**

###### **Historical Note**

Adopted as an emergency effective July 17, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired.

##### **R8-2-53. Emergency Expired**

###### **Historical Note**

Adopted as an emergency effective July 16, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired.

##### **R8-2-54. Emergency Expired**

###### **Historical Note**

Adopted as an emergency effective July 16, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired.

#### **ARTICLE 6. HAZARDOUS MATERIALS TRAINING PROGRAM, STUDENT AND INSTRUCTOR CERTIFICATION**

##### **R8-2-601. Definitions**

The following definitions shall apply in Article 6, unless the context otherwise requires:

1. "Certification" means the act of verifying that an individual has successfully completed a standardized course of instruction.
2. "Certified instructors" means individuals who have been certified pursuant to R8-2-602 or R8-2-607, or both.
3. "Certify" means to verify that an individual has successfully completed a standardized course of instruction.
4. "Director" means the Director of the Division of Emergency Services.
5. "Division" means the Arizona Division of Emergency Services.
6. "Hazardous materials response experience" means active participation as a person responsible for response to and mitigation of hazardous materials incidents.
7. "Hazardous materials first-on-the-scene personnel" means persons who might be first at the scene of a hazardous materials incident.
8. "Hazardous materials first-responder personnel" means persons responsible for response to and mitigation of hazardous materials incidents.

###### **Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

##### **R8-2-602. First-on-the-scene program and instructor certification**

###### **A. Standardized curriculum:**

1. All certified hazardous materials first-on-the-scene training programs shall be conducted in accordance with the standardized curriculum as maintained and on file with

the Division. The Division shall promptly notify all certified instructors of any changes in the curriculum.

2. Hazardous materials first-on-the-scene training program shall consist of the hazardous materials first-on-the-scene course.
3. Topics covered in the hazardous materials first-on-the-scene course are:
  - a. Recognition and identification of hazards,
  - b. Basic reference materials,
  - c. Characteristics of hazardous materials,
  - d. Personal protection and safety, and
  - e. Planning considerations.
- B. Instructors and instructor certification:**
  1. Each hazardous materials first-on-the-scene course shall have an instructor certified by the Division.
  2. The Division shall certify instructors for the hazardous materials first-on-the-scene course who have submitted the following:
    - a. Evidence of successful completion of the Division's first-on-the-scene instructor's workshop by attaining a final score of 90% on the written exam and by demonstrating appropriate educational methodology and instructional techniques during an oral presentation.
    - b. Evidence of two years' experience in hazardous materials response and verification of a minimum of 80 hours of hazardous materials training approved by the Director.
    - c. A letter of recommendation from the applicant's employer.
    - d. A resume describing the applicant's experience in hazardous materials response and the applicant's experience as a trainer.
  3. Certification shall be valid for two years.

###### **Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

##### **R8-2-603. First-on-the-scene instructor certification renewal and recertification**

- A.** Certified instructors may renew their certification by attending an instructor refresher workshop sponsored by the Division within six months of the expiration date of their current certification and by teaching the hazardous materials first-on-the-scene course or a refresher course two times in a two-year certification period.
- B.** Instructors who fail to maintain their current certification shall make application to the Division for recertification. Such instructors will be recertified if they successfully complete the first-on-the-scene instructor workshop by attaining a final score of 90% and by demonstrating appropriate educational methodology and instructional techniques during an oral presentation.

###### **Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

##### **R8-2-604. First-on-the scene administrative requirements**

- A.** Certified instructors shall notify the Division 30 days prior to the delivery of the hazardous materials first-on-the-scene course.
- B.** Certified instructors shall provide the Division with the date, time, location and estimated number of students, 30 days prior to course delivery.
- C.** Following the delivery of the hazardous materials first-on-the-scene course, certified instructors shall provide the Division with student attendance and performance records and a course completion report.

1. The course completion report requires the name of the instructor, date and location of the training, number of students registered and number of students successfully completing the course.
  2. Course completion report forms are available from the Division.
- D.** Records of instructor certification and student certification will be maintained at the Division.

**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

**R8-2-605. First-on-the-scene student certification**

- A.** Persons shall be certified as hazardous materials first-on-the-scene personnel who:
1. Successfully complete the hazardous materials first-on-the-scene course by attaining a final score of 75% or better on the written exam; or
  2. Successfully complete the hazardous materials first-on-the-scene challenge exam, administered by the Division, by attaining a final score of 90% or better; and
  3. Make an application on a form provided by the Division which requires the applicant's name, address and test scores.
- B.** Persons certified as hazardous materials first-on-the-scene personnel shall receive a certification from the Division.

**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

**R8-2-606. First-on-the-scene pilot program certification**

Persons having successfully completed the Division's hazardous materials first-on-the-scene course in its pilot form between January 1985 and July 1988 shall be certified as hazardous materials first-on-the-scene personnel.

**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

**R8-2-607. First-responder program and instructor certification**

- A.** Standardized curriculum:
1. All certified hazardous materials first-responder training programs shall be conducted in accordance with the standardized curriculum as maintained and on file with the Division. The Division shall promptly notify all certified instructor of any changes in the curriculum.
  2. Hazardous materials first-responder training programs shall consist of the hazardous materials first-responder course.
  3. Topics covered in the hazardous materials first-responder course are:
    - a. Hazard recognition and identification,
    - b. Reference materials,
    - c. Basic chemical and physical properties of hazardous materials,
    - d. Personnel protection and safety,
    - e. Scene management, and
    - f. Planning considerations.
- B.** Instructors and instructor certification:
1. Each hazardous materials first-responder course shall have an instructor certified by the Division.
  2. The Division shall certify instructors for the hazardous materials first-responder course who have submitted the following:
    - a. Evidence of successful completion of the Division's first-responder instructor workshop by attaining a final score of 90% on the written exam and by dem-

onstrating appropriate educational methodology and instructional techniques during an oral presentation.

- b. Evidence of two years' experience in hazardous materials response and verification of a minimum of 240 hours of hazardous materials training approved by the Director.
  - c. A letter of recommendation from the applicant's employer.
  - d. A resume describing the applicant's experience in hazardous materials response and the applicant's experience as a trainer.
3. Certification shall be valid for two years.

**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

**R8-2-608. First-responder instructor certification renewal and recertification**

- A.** Certified instructors may renew their certification by attending an instructor refresher workshop sponsored by the Division within six months of the expiration date of their current certification.
- B.** Instructors who fail to maintain their current certification shall make application to the Division for recertification and shall successfully complete the first-responder instructor workshop by attaining a final score of 90% on the written exam and by demonstrating appropriate educational methodology and instructional techniques during an oral presentation.

**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

**R8-2-609. First-responder administrative requirements**

- A.** Certified instructors shall notify the Division 30 days prior to the delivery of the hazardous materials first-responder course.
- B.** Certified instructors shall provide the Division with the date, time, location and estimated number of students, 30 days prior to course delivery.
- C.** Following the delivery of the hazardous materials first-responder course, certified instructors shall provide the Division with student attendance and performance records and a course completion report.
1. The course completion report requires the name of the instructor, date and location of the training, number of students registered and number of students successfully completing the course.
  2. Course completion report forms are available from the Division.
- D.** Records of instructor certification and student certification shall be maintained at the Division.

**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

**R8-2-610. First-responder student certification**

- A.** Persons shall be certified as hazardous materials first-responder personnel who:
1. Successfully complete the hazardous materials first-responder course by attaining a final score of 75% or better on the written exam; or
  2. Successfully complete the hazardous materials first-responder challenge exam administered by the Division by attaining a final score of 90% or better; and
  3. Make application on a form provided by the Division which requires the applicant's name, mailing address and test scores.
- B.** A person certified as a hazardous materials first-responder shall receive a certificate from the Division and list of recom-

mended equipment for each hazardous materials first-responder vehicle or unit.

- C. Certification shall be valid for two years.

**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

**R8-2-611. First-responder pilot program certification**

- A. Persons having successfully completed the Division's first-responder course in its pilot form between January 1987 and July 1988 shall be awarded certification as hazardous materials first-responder personnel.
- B. This certification shall be valid for two years.

**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

**R8-2-612. First-responder recertification**

- A. Applicants for recertification as hazardous materials first-responder personnel shall successfully complete a first-responder refresher course, sponsored by the Division, by attaining a final score of 75% or better on a written examination and shall make application to the Division within six months of the expiration date of their current certification on a form provided by the Division which requires the applicant's name, mailing address and test scores.
- B. Recertification is valid for two years.

**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1).

**TITLE 8. EMERGENCY AND MILITARY AFFAIRS****CHAPTER 3. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS  
DIVISION OF MILITARY AFFAIRS**

(Authority: A.R.S. §§ 26-102 and 26-127)

*This Chapter contains rules which were repealed under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 (as substantiated by Attorney General Opinion I87-061). Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's office for publication in the Arizona Administrative Register; and the Department did not hold public hearings on the changes. Because this Chapter contains exempt rules, it is being printed on blue paper.*

*This Chapter contains rules which were adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion I87-061. Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule. Because this Chapter contains exempt rules, the Chapter is being printed on blue paper.*

**ARTICLE 1. REPEALED**

*Article 1, consisting of Sections R8-3-101 through R8-3-104, repealed under an exemption from the provisions of A.R.S. Title 41, Chapter 6, effective March 25, 1998 (Supp. 98-1).*

**ARTICLE 2. RANGES AND TRAINING SITES**

## Section

R8-3-201.	Purpose
R8-3-202.	Non-military "Organizations"
R8-3-203.	Personal Use of Firing Ranges
R8-3-204.	Planning and Scheduling
R8-3-205.	Range Fees
R8-3-206.	Other User Fees
Exhibit 1.	Non-exclusive License Agreement to Use Ranges, Training Areas, and Facilities

*Article 1 was repealed under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion I87-061. Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's Office for publication in the Arizona Administrative Register; and the Department did not hold public hearings on the rulemaking action.*

**ARTICLE 1. REPEALED****R8-3-101. Repealed****Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1).  
Repealed effective February 3, 1998, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001(1) as determined by Attorney General Opinion I87-061; filed in the Secretary of State's office March 25, 1998 (Supp. 98-1).

**R8-3-102. Repealed****Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1).  
Repealed effective February 3, 1998, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001(1) as determined by Attorney General Opinion I87-061; filed in the Secretary of State's office March 25, 1998 (Supp. 98-1).

**R8-3-103. Repealed****Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1).  
Repealed effective February 3, 1998, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001(1) as determined by Attorney General Opinion I87-061; filed in the Secretary of State's office March 25, 1998 (Supp. 98-1).

**R8-3-104. Repealed****Historical Note**

Adopted effective September 27, 1985 (Supp. 85-5).  
Repealed effective February 3, 1998, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001(1) as determined by Attorney General Opinion I87-061; filed in the Secretary of State's office March 25, 1998 (Supp. 98-1).

**ARTICLE 2. RANGES AND TRAINING SITES**

*The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion I87-061. Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.*

**R8-3-201. Purpose**

This Article is intended to outline the special policies and procedures established for non-military users of ranges (including indoor), training areas, and facilities controlled or operated by the Arizona Army National Guard.

**Historical Note**

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

*The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion I87-061. Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did*

*not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.*

**R8-3-202. Non-military “Organizations”**

- A. All non-military organizations are required to execute AGO Form 350-6-1-R, “Nonexclusive License to Use Ranges, Training Areas, and Facilities”, prior to any use. Arizona National Guard members and their dependents are exempt from this requirement.
- B. AGO Form 350-6-1-R license agreements will be approved for periods not to exceed six months. Longer agreements will be negotiated separately. See AGO Form 350-6-1-R at the end of this Article.
- C. Non-military organizations are required to provide proof of liability insurance in the amount of \$1,000,000/\$1,000,000 for bodily injury and \$100,000 for property damage.
- D. All non-military organizations will be subject to having an AZ ARNG safety officer present as a precondition of approval to conduct certain training, testing, or operations as determined by the Arizona Army National Guard. Whenever a safety officer is required, the using organization will reimburse the Arizona Army National Guard for the pay and allowances of the safety officer.

**Historical Note**

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

*The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.*

**R8-3-203. Personal Use of Firing Ranges**

- A. Arizona National Guard members and their dependents. Limited use of firing ranges is authorized for active and retired members of the Arizona National Guard and their dependents. Use will be on a non-interference basis. To be eligible, the following safety provisions must be satisfied:
  1. The National Guard member will serve as sponsor to the member’s dependents and must be present during all shooting.
  2. The National Guard member must be safety certified within the past year to use firing ranges personally or to serve as sponsor for the member’s dependents. Certification classes are conducted monthly by the Training Site Support Division with the assistance of members of the State Marksmanship Team. For class schedule, call (602) 267-2651.
- B. All other persons. The personal use of firing ranges by individual shooters is prohibited except for members of the Arizona National Guard and their dependents as described above. All other persons must be members of an organization which holds the aforementioned insurance coverage and has executed AGO Form 350-6-1-R, non-exclusive license agreement.

**Historical Note**

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

*The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.*

*Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.*

**R8-3-204. Planning and Scheduling**

- A. Planning and scheduling is done in accordance with AZ ARNG Pam 350-6. Non-military use will be scheduled so as not to interfere with military training. Military training has priority over all users.
- B. Confirmation. The proponent agency for this regulation will insure written confirmation to requesting organizations in a timely manner. Once a training range, site, or area has been requested, follow-up coordination is the responsibility of the requesting organization. Allow 15 days for the request to be processed. Fees must be paid at the time of application. Coordination can be made by telephone: commercial (602) 267-2651 or DSN 853-2651.
- C. Cancellations. Using organizations must make notice of cancellation known immediately to insure prompt availability to others. Likewise, the Arizona Army National Guard will make speedy notification to users of any forced cancellation of approved requests. No refund of fees will be made if the range is cancelled by the requester within 72 hours of the scheduled event.

**Historical Note**

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

*The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.*

**R8-3-205. Range Fees**

Range fees offset the cost of range maintenance and operations.

1. No Fees Due. Arizona National Guard members and their dependents do not pay range fees.
2. Fees Due. Non-military organizations must pay range fees.
3. Fee Schedule. Fees are \$2.00 per person, per day, per use, for outdoor ranges and \$4.00 per person, per day for indoor ranges. Fees will be made payable to “Treasurer of the United States” and must accompany the training request form.

**Historical Note**

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

*The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.*

*tion in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.*

**R8-3-206. Other User Fees**

Using organizations are subject to reimbursable costs associated with their scheduled use of Arizona Army National Guard ranges, training areas, and facilities. Costs normally charged back to the user include electricity, phone service, water, gas, linen service, portable latrines, and the like. Such charges are assessed on a pro

rata basis. When levied, such charges are computed by the Arizona Army National Guard and agreed to in advance by the requesting organization.

**Historical Note**

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

**Exhibit 1. Non-exclusive License Agreement to Use Ranges, Training Areas, and Facilities**

**ARIZONA ARMY NATIONAL GUARD  
NON-EXCLUSIVE LICENSE AGREEMENT  
TO USE  
RANGES, TRAINING AREAS, AND FACILITIES  
AGREEMENT NO. \_\_\_\_\_**

This License AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ by and between the Adjutant General of the Arizona National Guard and \_\_\_\_\_, hereinafter referred to as licensee;

WITNESSETH;

The Adjutant General, in consideration of \$1.00 and other good and valuable consideration, hereby grants a non-exclusive license to the licensee to use the ranges, training areas, and facilities described in the Arizona Army National Guard (AZ ARNG) TRAINING SITE REQUEST form, a copy of which is attached hereto.

This non-exclusive license is granted to the licensee upon the following terms and conditions:

1. Licensee shall comply with AZ ARNG Regulation 350-6, AZ ARNG Pamphlet 350-6, and all applicable statutes, laws, ordinances, rules, and regulations of the United States and those adopted by the state, city, other body politic, and the Arizona Army National Guard which pertain to the use of the ranges, training areas, and facilities described in the attached TRAINING SITE REQUEST form;
2. The licensee shall pay the applicable fee as established in AZ ARNG Regulation 350-6;
3. The licensee shall not use any other ranges, training areas, and facilities not listed on the attached TRAINING SITE REQUEST form;
4. This non-exclusive license is personal to the licensee and may only be used by the licensee and its members and the permission to use the ranges, training areas, and facilities may not be assigned or transferred to any other person without the prior written consent of the Adjutant General;
5. Upon completion of the use of the ranges, training areas, and facilities, the licensee shall promptly remove all of the licensee's equipment from the same;
6. Licensee shall not offer nor permit any intoxicating or alcoholic beverage to be sold, offered for sale, exposed for sale, stored, given away, or otherwise disposed of, or consumed in or upon the ranges, training areas, and facilities covered by this agreement nor upon any state or federal property connected to the same;
7. The licensee shall provide liability insurance and a certificate of same shall be filed with the Training Site Support Division, Office of the Deputy Chief of Staff for Plans Operation and Training of the Arizona Army National Guard *prior to the time of signing this agreement*. Insurance coverage shall be provided in the minimum limits of \$1,000,000/\$1,000,000 for bodily injury and \$100,000 for property damage and shall show the United States of America, State of Arizona, and the Arizona National Guard as additional insureds;
8. The licensee agrees to indemnify and save harmless the United States of America, the Adjutant General of the State of Arizona, the State of Arizona, the Arizona National Guard and their officers, agents, and employees against any and all loss, damage, injury, or liability that may be suffered or incurred by them or any of them, caused by or arising out of or any way connected with the use of the aforementioned ranges, training areas, and facilities or any part thereof, or any state or federal property attached thereto, by the licensee or any of the licensee's members or associates;
9. The permission granted hereunder to use the designated ranges, training areas, and facilities may be revoked at any time by the Adjutant General;
10. The licensee understands and agrees that he does not and shall not at any time have or claim any interest or estate of any kind or extent whatsoever in the ranges, training areas, and facilities requested and approved herein by virtue of this non-exclusive license or the licensee's occupancy or use hereunder;
11. It is understood and agreed that the licensee's permission to use the ranges, training areas, and facilities covered by this non-exclusive license shall begin on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ and shall expire on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ unless sooner terminated by the Adjutant General.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, the day and year first above written.

\_\_\_\_\_  
THE ADJUTANT GENERAL  
\_\_\_\_\_  
By \_\_\_\_\_  
By \_\_\_\_\_

The printed portion of this Non-exclusive License to use ranges, training areas, and facilities, AGO Form 350-6-1-R (JAN 93), is approved as to form this 10th day of December, 1992. This approval is revoked if the printed portion is altered in any respect or if any addition is made to that portion other than to fill in the blank spaces as appropriate.

GRANT WOODS

Attorney General

by /s/ CHARLES S. PIERSON

Assistant Attorney General

AGO FORM 350-6-1-R (JAN 93) (Supercedes AGO Form 350-6-1, dated 1 DEC 85)

**Historical Note**

Adopted pursuant to an exemption from the provisions of the Administrative Procedure Act, effective January 31, 1994 (Supp. 94-1).